IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY EIGHTH DAY OF SEPTEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION No. 21138 of 2005

Between:

O. Subbamma and 5 others

..... PETITIONERS

AND

The Commissioner of Endowments,
Boggulagunta, Tilak Road,

Hyderabad and 2 others

.....RESPONDENTS

ORDER:

Seeking a Mandamus, declaring the public notice dated 23.09.2005 issued by the 3rd respondent, as illegal and arbitrary, the present writ petition is filed.

Heard the learned counsel for the petitioners and the learned Government Pleader for Endowments.

The learned counsel for the petitioners contended that the father of the petitioners was the tenant of the 3rd respondent in respect of the land to an extent of Ac.2.45 cents situated in Sy.No.657 of Nellore village and after demise of their father, the petitioner have been cultivating the same. He further contended that the petitioners made an application in the month of January and March to the 2nd and 3rd respondents, requesting to declare them as landless poor, but without passing any orders on their representations, the respondents are conducting auction in respect of the lands in question, and hence he prays to stay the auction till the case of the petitioners is decided and determined.

On the other hand, the learned Government Pleader for Endowments contended that there is no lease subsisting in between the 3rd respondent and the petitioners and the petitioners have no right to challenge the auction notification, and hence, he prays to dismiss the writ petition.

It is not in dispute that the father of the petitioners was tenant of the 3rd respondent for certain extent of land and after his demise, the petitioners were recognized as his legal representatives, and also they were brought on record in C.M.A.No.16 of 1998 on the file of the District Judge, Nellore. The father of the petitioners was expired on 30.10.2001. After his demise, no proceedings have been issued by the respondents recognizing the petitioners as tenants of the lands in question. Therefore, the petitioners have no right to continue in the subject lands and they have also no right to stall the auction proceedings.

Admittedly, the representations of the petitioners are pending consideration

before the 2nd respondent, who is competent to decide as to whether the petitioners are landless poor or not.

In view of the facts and circumstances of the case, I deem it appropriate to dispose of the writ petition, with a direction to the

2nd respondent to pass appropriate orders on the representations of the petitioners dated 07.01.2005 and 29.03.2005, in accordance with law, within a period of 4 (four) weeks from the date of receipt of a copy of this order.

With the above observations, the Writ Petition is disposed of. No order as to costs.

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K.C. BHANU,J

Dated: 28.09.2005

Dsr